

**ENTERED**

February 22, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISIONGILBERT LOPEZ  
Movant§  
§  
§  
§  
§  
§

CIVIL NO. M-13-218

VS.

CRIMINAL NO. M-06-544-2

UNITED STATES OF AMERICA

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court is Movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, which motion had been referred to the Magistrate Court for a report and recommendation. On November 24, 2015, the Magistrate Court issued the Report and Recommendation, recommending that Movant's section 2255 motion be dismissed with prejudice and that a Certificate of Appealability be denied upon the issuance of this Court's final order. Also pending before the Court are Movant's objections to the Report and Recommendations.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a de novo review of the Report and Recommendation. Finding no clearly erroneous error, the Court adopts the Report and Recommendation in its entirety. Accordingly, Respondent's Motion to Dismiss (Dkt. Entry No. 11) is **GRANTED** for the reasons explained in the report, Movant's section 2255 motion is **DENIED** on the record for the reasons explained in the report, and Movant's claims are **DISMISSED** with prejudice. A Certificate of Appealability is **DENIED**.

SO ORDERED this 22nd day of February, 2016, at McAllen, Texas.


Randy Crane  
United States District Judge